

REMARKS/ARGUMENTS

Claims 23-25, 28-31, 33-37 and 39-40 are in the Application and are presented for Examiner Piziali's consideration. Claims 1-22 and 26-27 are previously canceled. Please also cancel claims 32 and 38. Please amend claims 23 and 33 as shown.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested.

Claim rejection, 35 U.S.C. §103(a) over Potts et al. in view of Simpson et al.

By way of sections 3-4 of the Office Action mailed December 21, 2005, claims 23-25, 28-32 and 34-40 were rejected under 35 U.S.C. §103(a) as allegedly being obvious and thus unpatentable over U.S. Pat. No. 5,145,727 to Potts et al. (hereinafter "Potts et al.") in view of U.S. Pat. No. 5,023,130 to Simpson et al. (hereinafter "Simpson et al."). This rejection is respectfully **traversed** to the extent applicable to the currently presented claims.

The invention as presently claimed in claim 23 is directed to topically treated nonwoven fabric laminate, the nonwoven fabric laminate comprising 0.05 weight percent to 0.5 weight percent of non-ionic fluoropolymer, the nonwoven fabric laminate comprising at least one spunbond layer and at least one meltblown layer, and the laminate further comprising a first surface and a second, opposing surface, wherein the first surface comprises a non-ionic fluoropolymer.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

The Office Action provided the Potts et al. reference for the disclosure of a treated nonwoven fabric wherein a first surface comprises repellent agent and another surface comprises an antistatic agent. However, Potts et al. did not teach non-ionic fluoropolymer repellents. In the Office Action, the Simpson et al. reference was provided for the disclosure of the non-ionic fluoropolymer (ZEPEL 7040) disclosed therein. The Office Action stated that it would be obvious for one skilled in the art to use the non-ionic fluoropolymer taught by Simpson et al. in the fabrics taught by Potts et al. as a selection from known materials being within the skill of the art, on the basis of the known material's suitability.

Applicants respectfully disagree, and instead respectfully submit that the one skilled in the art would not be motivated to substitute the non-ionic fluoropolymer taught by Simpson et al. for those taught by Potts et al. Please note that the disclosure of Potts et al. is directed to internally added repellent agents. That is, as taught by Potts et al., the repellent additive is to be added to the virgin polymer making up the bulk of the fibrous material, then the repellent agent is melted and extruded along with the fiber-forming polymer when the fibers are created. Contrariwise, the non-ionic fluoropolymer mentioned by Simpson et al. is a topically-added hydrophobic agent added by way of an aqueous bath, using 4 percent of the non-ionic fluoropolymer in a remainder water (70 percent) and alcohol (26 percent) bath. Applicants respectfully submit that one skilled in the art would not be motivated to modify the internal melt additives taught by Potts et al. by using the topical (bath-applied) fluoropolymer taught by Simpson et al.

However, even if one skilled in the art were to combine Potts et al. and Simpson et al., one still would not arrive at Applicants' invention as presently claimed. As described above, the clear teaching of Potts et al. is to use internal melt additives for the fibers making their laminates. Therefore, according to the teachings of Potts et al., even if one skilled in the art were to use the non-ionic fluoropolymer as taught by Simpson et al. as a substitute internal melt additive, one still would not arrive at the laminate as claimed, which is a topically treated nonwoven fabric laminate, and wherein the nonwoven fabric laminate includes 0.05 weight percent to 0.5 weight percent of non-ionic fluoropolymer.

Therefore, for the reasons stated above, Applicants respectfully submit that the obviousness rejection under 35 U.S.C. §103(a) over Potts et al. in view of Simpson et al. should be withdrawn.

Additional claims rejections, 35 U.S.C. §103(a): claim 33; claims 39-40

By way of section 5 of the Office Action mailed December 21, 2005, claim 33 was rejected under 35 U.S.C. §103(a) as allegedly being obvious and thus unpatentable over above-described Potts et al. in view of Simpson et al., and further in view of either of U.S. Pat. No. 4,000,233 to Gilbert et al. (hereinafter "Gilbert et al.") or 4,169,062 to Weipert (hereinafter "Weipert").

In addition, by way of section 6 of the Office Action, claims 39-40 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over the above-described combination of Potts et al. in view of Simpson et al., and further in view of U.S. Pat. No. 5,296,282 to Evers (hereinafter "Evers").

These rejections are respectfully **traversed** to the extent applicable to the currently presented claims. In the Office Action, Gilbert et al. or Weipert was combined with the primary references (Potts et al. in view Simpson et al.) to provide for the organic phosphate ester antistatic agent of claim 33. And, to provide for the non-ionic fluoroalkyl acrylate copolymer of claims 39-40, the disclosure of Evers was combined with the primary references (Potts et al. in view Simpson et al.). However, as described above, Applicants respectfully submit that the main references (combination of Potts et al. in view Simpson et al.) fail in terms of proper motivation to combine the references and additionally fail, if they were to be combined, to disclose each and every element of Applicants' independent claim 23.

Therefore, because claims 33 and 39-40 depend ultimately from independent claim 23 and include all the elements of independent claim 23, Applicants submit that these additional combinations also fail to disclose all of the elements of Applicants' claims

33 and 39-40, and therefore respectfully submit that these rejections of claims 33 and 39-40 under 35 U.S.C. §103(a) should be withdrawn.

For at least the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at 770-587-8908. Should any issues remain after consideration of the remarks and explanations made herein, Examiner Piziali is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Robert A. Ambrose, hereby certify that on May 22, 2006, this document is being transmitted to the United States Patent and Trademark Office, EFS-Web system.

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